

**REGULAR CITY COUNCIL MEETING  
FRISCO MUNICIPAL COMPLEX  
8750 MCKINNEY ROAD  
COUNCIL CHAMBERS  
FRISCO, TEXAS 75034  
6:30 P.M.**

**APRIL 2, 2002**

**MINUTES**

**1. Call to Order.**

Mayor Seei called the meeting to order at 6:30 p.m. and announced that there was a quorum present.

City Council present: Mayor Kathy Seei, Mayor Pro Tem Tracie Reveal, Deputy Mayor Pro Tem West, Councilmember Steve Nichols, Councilmember Buddy Minett, Councilmember Maher Maso, and Councilmember Mike Zapata.

Staff present: City Manager George Purefoy, Assistant City Manager Scott Young, Interim Assistant City Manager Jason Gray, City Attorney Richard Abernathy, Director of Planning John Lettellier, City Engineer Frank Jaromin, and Assistant City Secretary Teresa Filgo.

**2. Invocation.**

Mayor Seei delivered the invocation.

**3. Pledge of Allegiance.**

Deputy Mayor Pro Tem West led the pledge of allegiance.

**4. Citizen Input. (To begin approximately at 7:30 p.m.)**

Barry Farris, Quik Wash, spoke concerning a citation that he received on a monument sign because of the scrolling. Mayor Pro Tem Reveal suggested this be discussed on the item concerning sign regulations.

**5. Presentation regarding Texas Tornado Hockey Team (Mayor Seei)**

Mayor Seei recognized Quentin Boujeaurd, President of Texas Tornado Hockey Club, announced that April 13 will be Frisco Night at the hockey game and has invited everyone in Frisco to come and see what will be coming to Frisco in 2003. Mr. Boujeaurd introduced Coach Tony Curtale of the Texas Tornado's who introduced three of the players, Jess Mimimun, Chicago, defenseman, John Lenz, Boston, right wing, and

Jason Bloomingburg, Detroit, left wing. Coach Curtale explained that the players are 21 years of age and younger.

**6. Reports.**

**A. City Manager's update of "Project Status Tracking Report Governance Tool". (JG)**

There was not report given.

**B. Grant Check Presentation for the Green Building Program from the North Texas Clean Air Coalition**

Director of Planning John Lettellier reported that the presentation will be held at the May 21, 2002 City Council meeting.

**C. Staff reports regarding:**

Councilmember Maso asked regarding the water bill mailing. Director of Administrative Services Nell Lange responded that the goal is to have the statements by the end of June. Deputy Mayor Pro Tem West asked about paying online. Ms. Lange responded that the goal is by the end of the year. Ms. Lange also stated that will be able to pay by credit card then online.

**i. Development Services Department;**

There was no report given.

**ii. Parks Department;**

Director of Parks and Recreation Rick Wieland announced the Warren Sports Complex dedication to be held on April 20, 2002. Erik Leopard reported on the success of the Easter Eggstravangza. Mayor Seei asked about the fountains at Central Park. Mr. Wieland responded that the last update he has received is that Frisco Bridges is going through bids and has contacted the previous owners.

**iii. Planning Department;**

Director of Planning John Lettellier requested to hire a consultant to complete the Tributary Ordinance; Senate Bill 5 for the regulation of reduced emissions as mandated by the Federal Clean Air Act; and the Zoning and Development Handbook – Mr. Lettellier will have the Planning & Zoning Commission to prioritize the projects and will be discussed at the June work session.

**iv. Superdrome;**

Steve Walsh, Superdrome, reported that the 2002 season is officially open and the

Friday night races will run from April 12, 2002 through September.

**v. Building Construction Update:**

Mayor Seei asked about the RFQ's for the project manager for City Hall. Assistant City Manager Scott Young responded that the process is in the works and has received an example from Richard Abernathy's office and will be synthesizing it down.

**vi. Door-to-Door Solicitation Ordinance Revision:**

Mayor Pro Tem Reveal asked who is working on the solicitation ordinance. Interim Assistant City Manager Jason Gray responded that he and the Police Department is working on it.

**vii. Collin County Open Space Grant:**

Planning & Capital Projects Superintendent Dudley Raymond gave an update on the Collin County Park Grant along Rowlett Creek. The consensus of the City Council is to post on the next agenda on the qualifications and timeline to replace Skip Williams on the Advisory Group and to appoint someone for the Master Planning Group.

**7. Consent Agenda:**

The consent agenda was considered for approval, excluding item #A.

Mayor Pro Tem Reveal moved to pull Item #A. After a second by Councilmember Maso, the motion was approved by a vote of 6-0.

Mayor Pro Tem Reveal moved to approve the consent agenda as presented, excluding item #A. After a second by Councilmember Zapata, the motion was approved by a vote of 6-0.

**A. Approval of Application and Certificate for Payment Number 11, to Dean Construction, Inc. in the amount of \$109,299.04. (Parks & Recreation Dept.)**

Michael Fann, who has property to the gateway to the Hike & Bike Trail and has commercial tracts along SH 121, asked if this would effect his properties. Director of Parks and Recreation Rick Wieland stated that this item is the final payment for the Warren Sports Complex.

Mayor Pro Tem Reveal moved to approve the application and certificate for payment to Dean Construction, Inc. After a second by Deputy Mayor Pro Tem West, the motion was approved by a vote 6-0.

**B. Approval of an Interlocal Agreement by and between the City of Frisco and the County of Collin, Texas, for the purchase of land along and adjacent to Rowlett**

County of Collin, Texas, for the purchase of land along and adjacent to Rowlett Creek, north of State Highway 121, south of FM 720 and adopt **Resolution No. 02-04-67R** authorizing the City Manager to sign the Agreement. (Parks & Recreation Dept.)

- C. Adoption of **Resolution No 02-04-68R** affirming that Five Star Development is proceeding with the Frisco Square Development Project as contemplated by the application for joint funding through the North Central Texas Council of Governments. (City Manager's Office/SY)
- D. Approval of Payment Number 1 to Frisco Industrial Partners, Ltd. in the amount of \$505,350.17 for Project CV-0188 Eldorado Parkway, Extension to 2934 (Development Services)
- E. Approval of Payment Number 7 to Site Concrete, Inc. in the amount of \$123,082.00 for Project CV-0189 Eldorado Parkway from Preston to Hillcrest (Development Services)
- F. Approval of purchase for Ford Pickup 350 from HGAC in the amount of \$24,322.02. (Parks and Rec)
- G. Adoption of **Resolution No. 02-04-69R** calling a Public Hearing for voluntary annexation of approximately 6± acres. (Case A2002-23 Requested by Bert Fields)
- H. Approval of tax refunds over \$500.00. (Administrative Services)

## **8. Legislative Agenda:**

The legislative agenda was considered for approval, excluding item #I.

Mayor Pro Tem Reveal moved to pull item #B. After a second by Councilmember Nichols, the motion was approved. Mayor Pro Tem Reveal moved to rescind her motion to pull item #B. After a second by Councilmember Nichols, the motion was approved by a vote of 6-0.

Mayor Pro Tem Reveal moved to pull item #I. After a second by Councilmember Nichols, the motion was approved by a vote of 6-0.

Mayor Pro Tem Reveal moved to approve the legislative agenda as presented. After a second by Deputy Mayor Pro Tem West, the motion was approved by a vote of 6-0.

- A. Approval of a Preliminary Site Plan: SEC Preston and F.M. 720, Block A, Lot 1. Applicant(s): F.M. 720-Preston, Ltd. and Stratford Land Investments, Inc. A restaurant and office building on one lot on 1.8± acres on the southeast corner of Preston Road and Main Street (F.M. 720). Zoned Commercial-1. Neighborhood #19.
- B. Approval of a Final Plat: Panther Creek Estates, Phase I. Applicant(s): Panther Creek Ventures, Ltd. 119 Planned Development-Cluster Home lots, 127

Patio Home lots, and two open space lots on 67.4± acres on the north side of Eldorado Parkway, 550± feet east of Hillcrest Road. Zoned Planned Development-2-Residential Village. Neighborhood #8.

- C. Approval of a Preliminary Plat Extension: Villages at Willow Bay. Applicant(s): Independence Partners, Ltd. 367 Single Family-4 lots, 317 Single Family-5 lots, and nine open space lots on 206.2± acres on the north side of Eldorado Parkway, 1,200± feet east of Coit Road. Zoned Single-Family-4, Single-Family-5, and Patio Home. Neighborhood #7.
- D. Approval of a Concept Plan: Hall Office Park. Applicant(s): MIMBRES Development Co., L.L.C. An office park containing two 20-story office buildings, two 12-story office buildings, one eight-story office building, one hotel, two restaurants, and a daycare on 31.0± acres at the northwest corner of the Dallas North Tollway and Gaylord Parkway. Zoned Planned Development-59-Business Center. Neighborhood #34.
- E. Approval of a Preliminary Site Plan: Merryhill School at Hall Office Park. Applicant(s): MIMBRES Development Co., L.L.C. A restaurant and a daycare on two lots on 2.9± acres at the northwest corner of The Dallas North Tollway and Gaylord Parkway. Zoned Planned Development-59-Business Center. Neighborhood #34.
- F. Approval of a Site Plan, Conveyance Plat, & Final Plat: Merryhill School at Hall Office Park, Block A, Lot 2. Applicant(s): MIMBRES Development Co., L.L.C. A daycare on one lot on 1.2± acres on the north side of Gaylord Parkway, 230± feet west of The Dallas North Tollway. Zoned Planned Development-59-Business Center. Neighborhood #34.
- G. Approval of a Final Plat: Quail Meadow Village – Phase 2 Applicant(s): LSR Development. 186 Patio Home lots on 46.2± acres on the southeast corner of Timber Ridge Drive and Teel Parkway. Zoned Patio Home. Neighborhood #39.
- H. Approval of a Preliminary Plat: Cobb Farm Estates (East). Applicant(s): The Shaddock Companies. 106 Single Family-4 lots and 82 Single Family-5 lots on 82.5± acres on the south side of Panther Creek Parkway, 1,000± feet east of future Dallas North Tollway (Dallas Parkway). Zoned Planned Development-158-Single Family-4/Single Family-5. Neighborhood # 47.
- I. **Approval of a Preliminary Plat: Cobb Farm Estates (West). Applicant(s): The Shaddock Companies. 114 Single Family-3 lots and 106 Single Family-4 lots on 82.5± acres on the southeast corner of Panther Creek Parkway and Legacy Drive. Zoned Planned Development-158-Single Family-3/Single Family-4. Neighborhood # 47.**

Mayor Pro Tem Reveal is concerned show that SF-3 lots as potential school sites and zoning regulation and obligation to pass it that at a minimum of SF3 zoning get removed if the school does decide to buy this then the SF3 is bogus. Ms. Reveal would like to have as a discussion item on the next agenda concerning school sites. She mentioned that may need to look at commercial zoning instead of in line of the kind of school and school sites and look into the percentage and

staff direction.

Director of Planning John Lettellier recommended approval of the preliminary plat.

Councilmember Maso moved to approve the preliminary plat for Cobb Farm Estates (West). After a second by Councilmember Minett, the motion was approved by a vote 6-0

- J. Approval of a Site Plan & Final Plat: Bank One at Stonebriar. Applicant(s): Bank One Corporation. A bank on one lot on 1.7± acres on the east of Preston Road and south of Warren Parkway. Zoned Commercial-1. Neighborhood #29.
- K. Approval of a Preliminary Site Plan: Moon Acquisitions, Ltd. Applicant(s): Moon Acquisitions, Ltd. A retail shopping center on 3.6± acres on the west side of Preston Road, 250± feet north of State Highway 121. Zoned Commercial District – 1 (C-1). Neighborhood #35.
- L. Approval of a Final Plat: Frisco Heights, Phase 3. Applicant(s): D.R. Horton-Texas, Ltd. 58 Single-Family-4 lots and a City park on 19.8± acres on the north side of Eldorado Parkway, 1,250± feet west of Custer Road. Zoned Single-Family 4. Neighborhood #6.
- M. Approval of a Final Plat: Meadows of Preston, Phase 3. Applicant(s): Legacy/Monterey Homes, L.P. 63 Single-Family-5 lots on 16.3± acres on the south side of Spur 33, 1,200± feet west of King's Ridge Road. Zoned Planned Development-9-Multi-Family-1. Neighborhood #19.
- N. Approval of an Amended Plat: Hunters Creek, Phase 5, Block L, Lots 8-17. Applicant(s): Tipton Engineering. Ten patio home lots on 0.5± acre along the southwest corner of Aldridge Drive and Waterview Drive. Zoned Patio Home. Neighborhood #27.

#### **Regular Agenda:**

#### **9. Discussion and staff direction regarding development of an Ordinance for Funding for the Arts Program.(Parks and Rec)**

Planning & Capital Project Superintendent Dudley Raymond introduced Flora Maria Garcia, President of Arts Council of Fort Worth and Tarrant County, gave a presentation of the different kinds of public art.

#### **10. Discussion with citizen input regarding the following involuntary annexations instituted by the City of Frisco, Texas:**

TRACT 1: Involuntary annexation of 111.67 acres, more or less, located in the M.E.P. & P.R.R. Survey Abstract No. 1476, the Philip Barnes Survey Abstract No. 79, the R. Taylor Survey Abstract No. 1671, the S. Hawkins Survey Abstract No. 580 and the Thomas Bristow Survey Abstract No. 35, Denton County, Texas, owned by Rudman Partnership, etal. Applicant: City of Frisco Case IA2002-01

TRACT 2: Involuntary annexation of 603.92 acres, more or less, located in the J.L. Sailing Survey Abstract No. 1675, the J. Bates Survey Abstract No. 1620, the C.L. Smith Survey Abstract No. 1681, the A.

Robertson Survey No. 1487, the F. Hawkins Survey Abstract No. 582, W.P. Bates Survey Abstract No. 73, and the S. Whittenburg Survey Abstract No. 1510, Denton County, Texas, owned by Gary Bedford Davis, Eland Energy Inc., J.B. Daiches, John K. Blank, Charles E. Shoemaker, and Ned Abbott. Applicant: City of Frisco Case IA2002-02

TRACT 3: Involuntary annexation of 184.44 acres, more or less, located in the E. Hawkins Survey Abstract No. 581 and the J. Hogue Survey Abstract No. 1714, Denton County, Texas, owned by Nui Investments, Ltd., Veninga Inc. Co., Dr. F. W. Veninga, and Frederick W. Veninga Sr. etal. Applicant: City of Frisco Case IA 2002-03

TRACT 4: Involuntary annexation of 190.30 acres, more or less, located in the Collin County School Land Survey Abstract No. 147, the Collin County School Land Survey Abstract No. 148, and the J.L. Hogue Survey Abstract No. 406, Collin County, Texas, owned by Frederick W. Veninga Sr. etal. Applicant: City of Frisco Case IA2002-04

TRACT 5: Involuntary annexation of 93.74 acres, more or less, located in the Collin County School Land Survey Abstract No. 147, Collin County, Texas, owned by Ernest A. Mahard, Jr. Applicant: City of Frisco Case IA2002-05

TRACT 6: Involuntary annexation of 160.00 acres, more or less, located in the H.C. Barnes Survey Abstract No. 58, Collin County, Texas, owned by Ernest A. Mahard, Jr. and Mahard Egg Farm Inc. Applicant: City of Frisco Case IA2002-06

TRACT 7: Involuntary annexation of 159.94 acres, more or less, located in the Collin County School Land Survey Abstract No. 148, Collin County, Texas, owned by Diana Lynn, Smotherman & Ronald O. Lynn, and Mahard Egg Farm, Inc. Applicant: City of Frisco Case IA2002-07

TRACT 8: Involuntary annexation of 107.43 acres, more or less, located in the Collin County School Land Survey Abstract No. 148, Collin County, Texas, owned by Prosper Methodist Church. Applicant: City of Frisco Case IA2002-08

TRACT 11: Involuntary annexation of 365.99 acres, more or less, located in the T.J. Jamison Survey Abstract No. 481, Collin County School Land Survey Abstract No. 155 and I.C. Williamson Survey Abstract No. 947, Collin County, Texas, owned by Mustang-Midway Plano, Ltd. and Preston 380/153 Venture. Applicant: City of Frisco Case IA2002-09

TRACT 12: Involuntary annexation of 293.94 acres, more or less, located in the Collin County School Land Survey Abstract No. 155, Collin County, Texas, owned by M.K. Ratcliff Jr. Applicant: City of Frisco Case IA2002-10

TRACT 13: Involuntary annexation of 327.17 acres, more or less, located in the Collin County School Land Survey Abstract No. 155 and the J.W. Cox Survey Abstract No. 159, Collin County, Texas, owned by M.K. Ratcliff and Stewart L. Armstrong. Applicant: City of Frisco Case IA2002-11

TRACT 14: Involuntary annexation of 490.96 acres, more or less, located in the J.H. Collins Survey Abstract No. 219, Collin County, Texas, owned by Michael L. Minzer etal, Mary E. Vowan Dowdy, Martha Vowan Henery, Charlotte C. Vowan, Mary Ann Vowan, Ben & Mary Vowan and Henry A. Barlow. Applicant: City of Frisco Case IA2002-12

TRACT 15: Involuntary annexation of 322.01 acres, more or less, located in the I.C. Williamson Survey Abstract No. 947, the J.R. Hague Survey Abstract No. 405, and the W.C. Barnes Survey Abstract No. 59, Collin County, Texas, owned by Mary Ann Vowan, W.R. Blackmon, Vicki Davis, Jerry C. Davis, Frisco Coit 380 Ltd., and Coit United Investors LP. Applicant: City of Frisco Case IA2002-13

TRACT 18: Involuntary annexation of 183.61 acres, more or less, located in the J. Boling Survey Abstract No. 31, the W.B. Watkins Survey Abstract No. 1004, the J.H. Goode Survey Abstract No. 342, the Collin

County School Land Survey Abstract No. 152, T. Cassady Survey Abstract No. 1101, the Collin County School Land Survey Abstract No. 148, the C.L. Smith Survey Abstract No. 807, the H.C. Barnes Survey Abstract No. 58, the German Immigration Co. Survey Abstract No. 358, and the Collin County School Land Survey Abstract No. 147, Collin County, Texas, owned by City of Frisco. Applicant: City of Frisco Case IA2002-14

TRACT 19: Involuntary annexation of 197.655 acres, more or less, located in the M. Harris Survey Abstract No. 564 and the J. White Survey Abstract No. 1394, Denton County, Texas, owned by Frisco Independent School District and City of Frisco. Applicant: City of Frisco Case IA2002-15

TRACT 20: Involuntary annexation of 50.00 acres, more or less, located in the Crain and Warren Survey Abstract No. 229, Denton County, Texas, owned by Al Blum Trustee. Applicant: City of Frisco Case IA2002-16

TRACT 21: Involuntary annexation of 1,112.20 acres, more or less, located in the Collin Country School Land Survey Abstract No. 148, C.L. Smith Survey Abstract No. 807 and B.J. Naugle Survey Abstract No. 669, Collin County, Texas, owned by St. Louis, San Francisco and Texas RR and Bert Fields, Jr. Applicant: City of Frisco Case IA2002-17

TRACT 22: Involuntary annexation of 1,901.57 acres, more or less, located in the MEP & PRR Survey Abstract No. 917, MEP & PRR Survey Abstract No. 941, W. Bates Survey Abstract No. 83, MEP & PRR Survey Abstract No. 921, J. Hogue Survey Abstract No. 1714, L. Netherly Survey Abstract No. 962, C. Jackson Survey Abstract No. 665, R. Bates Survey Abstract No. 68, J. Landrum Survey Abstract No. 764, S. Whiteburg Survey Abstract No. 1510, C. Smith Survey Abstract No. 1185, C. Rogers Survey Abstract No. 1133, and W.E. Bates Survey Abstract No. 90, Denton County, Texas, owned by Bert Fields, Jr., Lai Shang Shiu et al, Forrest & Ann Louise Ainsworth, and Bethel Methodist Church. Applicant: City of Frisco Case IA2002-18

TRACT 23: Involuntary annexation of 80.88 acres, more or less, located in the Collin County School Land Survey Abstract No. 147, Collin County, Texas, owned by Jos. Irion Worsham and Metten Real Estate LP. Applicant: City of Frisco Case IA2002-19

TRACT 24: Involuntary annexation of 87.47 acres, more or less, located in the L.J. Leeper Survey Abstract No. 528, Collin County, Texas, owned by I.T. Story. Applicant: City of Frisco Case IA2002-20

TRACT 25: Involuntary annexation of 33.33 acres, more or less, located in the MEP & PRR Co. Survey Abstract No. 919, Denton County, Texas, owned by F. & Christine Mirbagneri Fesharaki. Applicant: City of Frisco Case IA2002-21

TRACT 26: Involuntary annexation of 353.48 acres, more or less located in the BBB & CRR Survey Abstract No. 194, the R.P. Hardin Survey Abstract No. 611, the M. Hunt Survey Abstract No. 624, the David Lawhorn Survey Abstract No. 727, the J.W. Ragland Surveys Abstract Nos. 1092 and 1093, and the L.B. White Survey Abstract No. 1394, Denton County, Texas, owned by US Army Corps of Engineers. Applicant: City of Frisco Case IA2002-22 (City Secretary's Office)

Mayor Seei asked City Manager George Purefoy on his perspective and the proposal of an agreement to the landowners because they had no immediate plans to be developed into the City. Mr. Purefoy stated that the property owners were interested in the agreement. Mr. Purefoy asked the Council concerning their interest level on the agreement to get out by the end of the week.

Diane Smotherman, property owner of 53 acres of land County Rd. 26, stated that none of the property owners wants to be developed into Frisco and will be agreeable to an agreement.



Councilmember Maso said that the city would save a lot of money and that the landowners would get what they want and the city would get what they need.

Councilmember Nichols likes what is being presented. Mr. Nichols thinks that it would help these people who don't want to be annexed but yet concerned about creating bigger problems in the future.

The consensus of the City Council is for staff to come back with scenarios to where it could become bigger problems in the future.

**11. Approval of an Ordinance amending Frisco's Comprehensive Zoning Ordinance No. 00-11-01, Article IV, Section 8 (Sign Regulation). (Planning)**

Zoning & Subdivision Administrator Doug Mousel gave a brief background on the sign ordinance and passed pictures that were brought to his attention by Code Enforcement because they were constructed without proper permits.

Mayor Seei suggested to have training for the developers and the homebuilders council on the sign ordinance.

Mayor Pro Tem Reveal asked about the kiosk sign and if it would fit with our size requirement. Ms. Reveal requested that staff make a recommendation on the width. She would like to advise for the next agenda on what it is involved in changing the ordinance concerning kiosk signs.

Councilmember Maso spoke his concerns about the human signs and asked if we have the ability to control. Mr. Maso requested for staff to come back with the legality of having human signs.

Barry Farris, Quik Wash, and Brent Jones, Southwest Graphics, submitted to the city to get the sign permits, was given the okay and now cannot use the sign. Mr. Jones stated that they have been given a citation saying that they cannot use the type of sign they have with a permit and is looking for guidance on what they can or cannot do (see also Item #4, Citizen Input). The City Council has requested that staff to resolve this issue as soon as possible. Mr. Mousel responded that they would take a look at it and take a look at the citations along with specifics.

Councilmember Maso moved to adopt **Ordinance No. 02-04-46** amending Zoning Ordinance No. 00-11-01, Article IV, Section 8 (Sign Regulation). After a second by Councilmember Minett, the motion was approved by a vote of 6-0. Councilmember Maso moved to amend the motion to change section to the zoning ordinance. After a second by Councilmember Minett, the motion was approved by a vote of 6-0.

**12. Public Hearing: Specific Use Permit SUP2002-0002. Applicant(s): 121 HC Partners, L.C. A request for a Specific Use Permit for New Automobile Sales/Leasing on 34.7+ acres on the northeast corner of S.H. 121 and Hillcrest**

**Road. Zoned Highway. Neighborhood #28. Tabled 2/12/02.**

Senior Planner Doug Mousel gave a brief background and requested approval.

Councilmember Nichols moved to open the public hearing. After a second by Councilmember Minett, the motion was approved by a vote of 6-0.

Frank Abbott, representing the applicant, request for approval.

Mac McCloud. President of C & C Development Corporation, was available for questions.

Mayor Pro Tem Reveal moved to close the public hearing. After a second by Councilmember Minett, the motion was approved by a vote of 6-0.

Mayor Seei asked if there were homeowners who have agreed with this request and Mr. Mousel responded yes and it was positive.

Councilmember Maso is concerned about the cut through traffic for test-driving.

Councilmember Maso moved to **table** the specific use permit request. After a second by Mayor Pro Tem Reveal, the motion was approved by a vote of 6-0.

Councilmember Maso would like additional feedback from the citizens. Mayor Pro Tem Reveal would like to have a conversation one-on-one with a couple of people.

**13. Public Hearing: Zoning Case Z2002-0001. Applicant(s): City of Frisco. A request to amend Planned Development-31 regarding sub-district clarification, screening, landscaping, building setback, open space and other development criteria. Zoned Planned Development-31. Neighborhood #34.**

Director of Planning John Lettellier gave a history on this zoning request.

Mayor Pro Tem Reveal moved to open the public hearing. After a second by Deputy Mayor Pro Tem West, the motion was approved by a vote of 6-0.

There being no one to speak, Mayor Pro Tem Reveal moved to close the public hearing. After a second by Deputy Mayor Pro Tem West, the motion was approved by a vote of 6-0.

Mayor Pro Tem Reveal moved to instruct staff to prepare an ordinance approving the zoning request. After a second by Deputy Mayor Pro Tem West, the motion was approved by a vote of 6-0.

**14. Public Hearing – Replat & Site Plan: Frisco T & M Addition, Block A, Lots 1R and 7 (Kroger Fuel Station). Applicant(s): T & M Frisco Development Company. Fuel pumps on two lots on 1.2± acres on the northeast corner of Rolater Drive and**

**Preston Road. Zoned Commercial-1. Neighborhood #19.**

Senior Planner Doug Mousel gave a brief history of the replat and site plan and recommended approval.

Councilmember Zapata moved to open the public hearing. After a second by Councilmember Nichols, the motion was approved by a vote of 6-0.

Tom Green, Carter & Burgess, representing the applicant, spoke in favor and requested for approval.

Mayor Pro Tem Reveal moved to close the public hearing. After a second by Deputy Mayor Pro Tem West, the motion was approved by a vote of 6-0.

Mayor Pro Tem Reveal moved to approve the replat and site plan for Frisco T & M Addition, Block A, Lots 1R and 7. After a second by Councilmember Nichols, the motion was approved by a vote of 6-0.

**15. Public Hearing: Specific Use Permit SUP2001-0017. Applicant(s): AT&T Wireless Services. A request for a Specific Use Permit for a Commercial Antenna and/or Support Structure Over 50 Feet on 0.7± acre 370± feet east of Legacy Drive, 850± feet south of Warren Parkway. Zoned Planned Development-32-Light Commercial with Specific Use Permit-28 for an Antenna. Neighborhood #34.**

Senior Planner Doug Mousel gave a brief background of the specific use permit request and the accompanying item #16 and requested approval.

Councilmember Maso moved to open the public hearing. After a second by Councilmember Nichols, the motion was approved by a vote of 6-0.

There being no one to speak, Councilmember Nichols moved to close the public hearing. After a second by Councilmember Minett, the motion was approved by a vote of 6-0.

Mayor Pro Tem Reveal moved to approve the specific use permit. After a second by Councilmember Nichols, the motion was approved by a vote of 6-0.

**16. Approval of a Site Plan & Final Plat: Legacy/Warren Water Tower, Block 1, Lot 1. Applicant(s): AT&T Wireless Services. An elevated water tower with cellular antenna arrays on one lot on 0.7± acre located 370± feet east of Legacy Drive, 850± feet south of Warren Parkway. Zoned Planned Development-32-Light Commercial with Specific Use Permit-28 for an Antenna. Requested zoning is a Specific Use Permit for a Commercial Antenna and/or Antenna Support Structure over 50 Feet. Neighborhood #34. (Planning)**

Councilmember Minett moved to approve the site plan and final plat for Legacy/Warren Water Tower, Block 1, Lot 1. After a second by Deputy Mayor Pro Tem West, the motion was approved by a vote of 6-0.

**17. Approval of a Site Lease Agreement by and between the City of Frisco, Texas and Metroplex Telephone Company dba/ AT&T Wireless and adoption of Resolution authorizing the City Manager to execute the agreement. (City Manager's Office/GP)**

Councilmember Minett moved to adopt **Resolution No. 02-04-70R** approving the site lease agreement with Metroplex Telephone Company dba AT&T Wireless. After a second by Deputy Mayor Pro Tem West, the motion was approved by a vote of 6-0.

**18. Discussion and Staff Direction regarding Multi-Family Zoning. (Planning Dept.)**

Director of Planning John Lettellier gave a background on the multi-family by quadrant, which was provided to the City Council (Exhibit A).

Councilmember Minett stated to look at every case reasonably and rationally and decide, maybe want to spread multi family around, and discuss of under what circumstances would you approve multi-family.

Mayor Pro Tem Reveal cannot consider adding multi family until get at least closer than 25,000 within the target.

Councilmember Nichols stated that we need to be very much below the number of 30,000 and create the environment that the citizens would find here.

The consensus of the City Council for staff is that no AG be brought back to include MF under any conditions, if AG comes in it has to be PD, all MF applications are PD's to create a unique urban area.

Discussion only, no formal action taken.

**19. Public Hearing: Zoning Case Z2001-0031. Applicant(s): Stratford Group/Cobb Family. A request to rezone 218.4+ acres on the north side of Eldorado Parkway, on both sides of the future Dallas North Tollway from Agricultural to Planned Development-Single Family-3 (48.6+ acres)/Patio Home (28.1+ acres)/Multifamily-2 (51.7+ acres)/Office-2 (9.1+ acres)/Retail & Office-2 (80.4+ acres). Neighborhood #47.**

Director of Planning John Lettellier gave the background on the zoning request.

Councilmember Minett moved to open the public hearing. After a second by Deputy Mayor Pro Tem Reveal, the motion was approved by a vote of 6-0.

Dave Dennison, responded to the concerns of the Planning & Zoning to get this in good shape for when it came to City Council and requested for approval and not to be penalized on waiting for three years.

Larry Good, architect, spoke in favor of the zoning request.

Jerry Cobb, applicant, spoke in favor of the zoning request.

Janet McBride spoke in favor the zoning request.

Deputy Mayor Pro Tem Reveal moved to close the public hearing. After a second by Deputy Mayor Pro Tem West, the motion was approved by a vote of 6-0.

Councilmember Maso moved to **table** the zoning request to talk with the contingents. After a second by Mayor Pro Tem Reveal, the motion was approved by a vote of 6-0.

**20. Public Hearing Replat & Site Plan: Frisco Elementary School Site, Lot 1, Block A. Applicant(s): Frisco Independent School District. An existing elementary school on one lot on the southeast corner of Rogers Road and Fisher Road. Zoned Single Family-1 with Specific Use Permit 53 for a Satellite Dish. Neighborhood #11.**

Senior Planner Doug Mousel gave a brief background of the replat and site plan.

Mayor Pro Tem Reveal moved to open the public hearing. After a second by Councilmember Minett, the motion was approved by a vote of 6-0.

There being no one to speak, Councilmember Minett moved to close the public hearing. After a second by Mayor Pro Tem Reveal, the motion was approved by a vote of 6-0.

Mayor Pro Tem Reveal moved to approve the replat and site plan for Frisco Elementary School Site, Lot 1, Block A. After a second by Deputy Mayor Pro Tem West, the motion was approved by a vote of 6-0.

**21. Public Hearing: Zoning Case ZA2002-0009. Applicant(s): City of Frisco. A request to consider amending the Comprehensive Zoning Ordinance regarding the regulation of New Automobile Sales/Leasing in the Commercial-2 zoning district.**

Senior Planner Doug Mousel gave a brief background and recommended for approval.

Mayor Pro Tem Reveal moved to open the public hearing. After a second by Councilmember Zapata, the motion was approved by a vote of 6-0.

There being no one to speak, Mayor Pro Tem Reveal moved to close the public hearing. After a second by Councilmember Minett, the motion was approved by a vote of 6-0.

Councilmember Minett moved to instruct the staff to prepare an ordinance approving the zoning request. After a second by Councilmember Zapata, the motion was approved by a vote of 6-0.

**22. Approval of an amendment of the Parks and Recreation Board Recommendations**

**for Park Development Projects for the FY02. (Parks & Recreation Dept.)**

Director of Parks & Recreation Rick Wieland gave a brief background the amendment and recommended approval.

Mayor Pro Tem Reveal moved to approve the amendment for the Park Development projects for FY02. After a second by Deputy Mayor Pro Tem West, the motion was approved by a vote of 6-0.

**23. Acceptance of the resignation of a member of the Board of Adjustments (Planning)**

Senior Planner Doug Mousel requested the acceptance of the resignation of the Board of Adjustment board member.

Councilmember Nichols moved to remove the member from the board. After a second by Councilmember Maso, the motion was approved by a vote of 6-0.

**24. Appointment to fill two current Board of Adjustment vacancies. (Planning Department)**

This item was not acted upon.

**25. Approval of an Amendment to an Agreement by and between Bert Fields, Jr. and the City of Frisco for the Construction of Legacy Drive & Stonebrook Parkway and related infrastructure improvements and adopt a Resolution authorizing the City Manager to sign the Agreement. (City Manager's Office/GP)**

Councilmember Maso moved to adopt **Resolution No. 02-04-71R** approving the amendment to an agreement with Bert Fields, Jr. subject to the final details by staff. After a second by Councilmember Minett, the motion was approved by a vote of 6-0.

**26. Approval of bid acceptance for Project #CV01-0038 Legacy Drive to Ed Bell Construction Company for \$3,842,820.34. (Development Services)**

Councilmember Maso moved to award the bid to Ed Bell Construction Company subject to the final approval of the agreement with Bert Fields, Jr. After a second by Mayor Pro Tem Reveal, the motion was approved by a vote of 6-0.

**27. Recess into Closed Session in compliance with Section 551.001 et. seq. Texas Government Code, to wit:**

Councilmember Minett moved recess into closed session at 10:09 p.m. After a second by Councilmember Nichols, the motion was approved by a vote of 6-0.

Mayor Seei read into the record the following items that will be discussed in closed session.

- I. Section 551.086. Deliberation regarding commercial or financial information that the City has received from a business prospect and to deliberate the offer or other incentives to a business prospect.
- II. Section 551.072. To deliberate the purchase, exchange, lease or value of real property located:
  - (a) south of US 380, north of FM 720, east of FM 423, and west of SH 289.
  - (b) south of Eldorado Pkwy., north of Stonebrook Pkwy., east of Teel Rd., and west of SH 289.
- III. Section 551.071. Consultation with the attorney for the City regarding:
  - (a) legal aspects of changes to zoning and subdivision regulations;
  - (b) legal aspects of zoning control;
  - (c) legal aspects of a proposed development agreement (Brinkmann);
  - (d) legal aspects of issues associated with the burial of overhead utility lines;
  - (e) Case No. 2002-30043-211 in the Denton County District Court in the case of Steve Nichols, etal. v. Kathleen A. Seei.
- IV. Section 551.074. Discussion with City Manager regarding staff performance.

Councilmember Zapata moved to reconvene into open session at 12:25 a.m. After a second by Deputy Mayor Pro Tem West, the motion was approved by a vote of 6-0.

Action items as a result from executive session:

Mayor Pro Tem Reveal moved to authorize City Manager George Purefoy to execute the document to purchase the downtown building currently occupied by the Frisco Enterprise. Deputy Mayor Pro Tem West seconded the motion.

City Attorney Richard Abernathy mentioned that is also to buy the building. Mayor Pro Tem Reveal moved to amend her motion to buy the building. After a second by Deputy Mayor Pro Tem West, the motion was approved by a vote of 6-0.

Mayor Pro Tem Reveal moved to instruct staff for legal review of the underground utility requirements for Frisco Heights, Cobb properties, and Tiger Lily properties. After a second by Maso, the motion was approved by a vote of 6-0.

**28. Approval of a Development Agreement by and between the City of Frisco and J. Baxter Brinkmann and Frisco Town Center Properties, L.P. and adoption of Resolution authorizing the City Manager to execute the agreement. (City Manager's Office/GP)**

Mayor Pro Tem Reveal moved to **table** the development agreement with J. Baxter Brinkmann and Frisco Town Center Properties, L.P. After a second by Deputy Mayor Pro Tem West, the motion was approved by a vote of 6-0.

**29. Approval of calling a public hearing to amend the Zoning Ordinance to address dormant projects.**

Director of Planning John Lettellier requested to start the process of calling a public hearing on dormant projects.

Councilmember Minett moved to approve to call a public hearing to amend the zoning ordinance to address dormant projects. After a second by Deputy Mayor Pro Tem West, the motion was approved by a vote of 6-0.

**30. Approval of calling a public hearing to amend the Zoning Ordinance to establish criteria to reconsider the planned development when development deviates from the approved concept plan.**

Director of Planning John Lettellier requested to call a public hearing

Mayor Pro Tem Reveal moved to approve of calling a public hearing to amend the zoning ordinance to establish criteria to reconsider the planned development when development deviates from the approved concept plan. After a second by Councilmember Minett, the motion was approved by a vote of 6-0.

**31. Approval of calling a public hearing to amend the Zoning Ordinance to specify that the City can reject incomplete applications.**

Director of Planning John Lettellier requested to call a public hearing.

Mayor Pro Tem Reveal moved to approve of calling a public hearing to amend the zoning ordinance to specify that the city can reject incomplete applications. After a second by Councilmember Minett, the motion was approved by a vote of 6-0.

**32. Approval of calling a public hearing to amend the Subdivision Ordinance to specify that the City can reject incomplete applications.**

Director of Planning John Lettellier requested to call a public hearing.

Mayor Pro Tem Reveal moved to approve of calling a public hearing to amend the subdivision ordinance to specify that the city can reject incomplete applications. After a second by Deputy Mayor Pro Tem West, the motion was approved by a vote of 6-0.

**33. Approval of calling a public hearing to rezone properties in the moratorium area as generally defined as CR 23 and CR 115 (future Panther Creek Parkway) to the north between Preston Road and Custer Road, Custer Road to the east between future Panther Creek Parkway and Rolater Drive, Rolater Drive (CR 69) to the south between Custer Road and Coit Road, Coit Road to the west between CR 69 (Rolater Drive) and FM 3537 (future Main Street), and FM 3537 to the south between Coit Road and Preston Road, and Preston Road to the west between FM 3537 and CR 23.**



Mayor Pro Tem Reveal moved to approve of calling a public hearing to rezone properties in the moratorium area. After a second by Councilmember Zapata, the motion was approved by a vote of 6-0.

**34. Schedule meeting for joint work session with the Planning & Zoning Commission.**

City Council instructed the staff to schedule a joint work session with the Planning and Zoning Commission.

**35. City Council discussion with City Staff concerning any actions required by City Staff as a result of any item on tonight's agenda.**

City Manager George Purefoy was asked to bring a list of items as a result of any items back to Council.

**36. Discussion on Governance Monitoring of present City Council Meeting.**

Mayor Seei briefed the Council on the meeting.

**37. Adjourn.**

There being no further business, Councilmember Minett moved to adjourn the meeting at 12:45 a.m. After a second by Mayor Pro Tem Reveal, the motion was approved by a vote of 6-0.

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E. Michael Simpson, Mayor

ATTEST:

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Nan Parker, City Secretary